

The Mediator Mediates

The Foreclosure Mediator:

Provides predictability and consistency in
the mediation process which will allow
for a
unique and productive conversation in
every instance.

Mediator Panel

- **Paul di Furia**, Attorney, Mediator; Beyond Disputes
- **Carol Grandmontagne**, Mediator, Foreclosure Program Manager; Dispute Resolution Center of Snohomish, Island & Skagit Counties
- **Mary Hancock**, Executive Director & Mediator; Dispute Resolution Center of Kitsap County
- **Maralise Hood Quan**, Executive Director & Mediator; Pierce County Center for Dispute Resolution

- Foreclosure Fairness Act defines the content and role of mediators
- Model Standards of Conduct guides Mediator process and behavior
- Each mediator will use distinct skills, tools, techniques, approaches, etc.

Exploring Foreclosure Mediations:

- **Mediation Process**
- **Mediation Content**
- **Mediating the parties**

Mediation Process

- Procedural agreements: agenda, behavior, roles, authority, good faith.
- Joint session, confidential caucus, shuttle or ?
- Mediator's authority: Determine Good faith, call a continuance, manage communication.

Mediation Content

- Agenda items from loan modification to transition out of home.
- Net Present Value: inputs vs test
- Explain denial to a “reasonable person standard”
- Last minute information that requires continuance to finalize agreement

Mediating the parties

- Create an environment for productive dialogue, avoid behaviors that are litigious or adversarial.
- Allow expression of emotions AND ensure safety and respect for all
- Maintain Impartiality, Respect Self-Determination and hold confidential.

What the Parties want from a Foreclosure Mediator

Artfully Impartial

Able to facilitate tough conversations about difficult and emotional issues

Knowledgeable of the law; yet skillfully keep the conversation from getting mired in the legalities

Not make suggestions of solutions, but create the atmosphere of respect and creativity

Be a good listener

Promote empathy in the room

Promote and actively engage both sides in collaborative conversation and reframe/redirect adversarial behaviors

Recognize limitations on both sides and leave balanced space and time to overcome those limitations

Professional and courteous

Next Steps

Verbal Agreements

Session Summary

Memorandum of Understanding

Continuance

2nd Session

Hold open until final agreement

Mediation Certification